
 Message

From: Hassell, Emily [hassell.emily@epa.gov]
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Politico - Pruitt says no post-2025 car standards, could lead to fight with California

Bloomberg - EPA Chief Signals Showdown With California on Tailpipe Standards

Bunker Hill Mine

AP - Officials seek to reopen Idaho mine following settlement

BNA - Idaho Firm to Restart Metals Mining After \$20M Fine

E&E Greenwire - Settlement paves way for reopening Idaho silver mine

General

Politico - Pruitt eases air permitting requirements

The Hill - Pruitt misses deadline to turn travel docs over to Congress

BNA - EPA Pushes to Reduce Lead, Arsenic in Community Water Systems

The Hill - EPA to finish reviewing claims from Colorado mine spill this month

E&E Greenwire - EPA details plans for scrutiny of Utah coal plants

E&E Daily - GAO report undermines chemical cuts in Trump budget

BNA - Activists Plan Suit Over EPA Sulfur Dioxide Inaction in 11 States

E&E Greenwire - EPA rule for leather companies would cost \$705

Washington Examiner - So long to 'sue and settle' at the EPA (*Op-Ed)

E&E Greenwire - Wis. asks EPA for break on ozone rules

AP - State officials want a break on tougher ozone rules

Politico - Barrasso debuts catchall bill to ease regulatory burden on farmers, ranchers

AP - Navy's Red Hill analysis concerns environmental regulators

BNA - Formaldehyde Deadline Moved Up as Industry, Activists Compromise

AP - EPA to test possible contamination in Bettendorf site

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Bloomberg Government<http://bgov.com/>**EPA Chief Sees Chance of Allowing Year-Round E-15 Gasoline Sales**

By Jennifer A. Dlouhy and Mario Parker, 3/13/18, 12:27

EPA Administrator Scott Pruitt says he believes "there's a very persuasive argument" to be made that the agency can legally grant a waiver lifting so-called Reid vapor pressure requirements so gasoline containing 15% ethanol can be sold year-round.

- In a wide-ranging interview with Bloomberg News, Pruitt describes "a lot of legal analysis around that section" of law amid Trump administration discussions over possible biofuel policy changes
 - That internal EPA review is "not finalized," Pruitt says
 - "We should provide clarity on the RVP waiver, and we endeavor to do that soon," Pruitt says. "If the law allows me to do that, I'll proceed that direction"
- NOTE: President Trump has held at least three meetings to discuss possible changes to the Renewable Fuel Standard that compels refiners to blend biofuels, such as ethanol, into gasoline
 - Some refiners argue they are bearing high costs to satisfy the RFS, under a compliance program using renewable identification numbers, or RINs, to prove they have fulfilled annual biofuel quotas
- "The president is committed to the RFS, committed to farmers and ranchers. I am as well to the letter and the spirit of the law in that regard," Pruitt says
 - "We also need RINs reform for those refineries across the country"
 - "We also want to see refineries stay in business, because we haven't built many refineries in this country in the last 30 or so years"
- March 1: [White House Biofuel Policy Summit Ends Without Agreement](#)

Houston Chronicle<https://www.houstonchronicle.com/business/article/Pruitt-suggests-keeping-speculators-from-ethanol-12747867.php>**Pruitt suggests keeping speculators from ethanol credits might lower costs**

By James Osborne, 3/12/18, 6:30 PM

WASHINGTON - EPA chief Scott Pruitt suggested Monday that the government might limit Wall Street's ability to trade ethanol-blending tax credits as a way to lower costs for refineries.

Federal law requires refiners to blend gasoline with up to 10 percent ethanol, but allows companies that don't to meet their obligation by buying government-issued credits. But refiners claim that the market for credits is opaque, thinly traded and subject to manipulation by speculators who can send price skyrocketing.

In a meeting with reporters at the Environmental Protection Agency's headquarters, Pruitt suggested that removing speculators from the market for blending credits might be one way to help keep costs lower.

"There's some things on the trading platform I think should happen no matter what," he said. "There seems to be a hoarding of [credits], which inflates the price. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

The credits market is another front in the battle between oil and farm interests over federal rules that require the the blending of ethanol, which is made from corn. The ethanol industry provides thousands of jobs in Midwest farm states, but oil states view ethanol's growth as hurting one of their major industries and employers because more ethanol in gasoline ultimately means less oil.

The mandate also drives up costs for many refineries around Houston and along the Gulf Coast, a powerful economic driver for the region. The largest refinery on the East Coast cited ethanol mandates as factor in its recent bankruptcy filing.

The Trump administration is trying to broker a deal between oil state Republicans like Sen. Ted Cruz, of Texas and corn state Republicans like Sen. Chuck Grassley, of Iowa, who have been at odds for months over the the future of federal ethanol and biofuel mandates. The mandates was adopted under the administration George W. Bush as a way to reduce the nation's dependence on foreign oil — before the U.S. production boom unleashed by hydraulic fracturing, or fracking.

In addition to limiting trading in the credits, known as Renewable Identification Numbers, or RINs, Pruitt also brought up the possibility of lifting an air pollution regulations that prevent the sale of fuels with higher concentrations of ethanol during the summertime.

"I told the folks in Iowa, if the law allows me to do it I'll sign it tomorrow," Pruitt said. "It doesn't make sense to only be able to sell nine months out of the year."

Pruitt's seemingly off-the-cuff comments Monday drew praise from ethanol producers, which benefit from a functioning and fair market for blending credits.

"We are encouraged by the Administrator's comments," said Bob Dinneen, president of the Renewable Fuels Association, a trade group representing ethanol producers. "We would be receptive to any proposals bringing more transparency and liquidity to the RIN market."

Cruz has asked the Trump administration place a cap on the price of RIN credits, to help refineries the senator argues are at risk from compliance costs that can run hundreds of millions of dollars a year. That proposal has drawn fire from Grassley and other Midwestern politicians who argue Cruz is trying to decimate ethanol demand by reducing financial incentives for refineries to comply with the federal mandate.

Pruitt didn't discuss the cap proposal, but rather focused on the need to find a solution that would help both refineries and ethanol producers.

"These market challenges we have are real," he said. "The President has a commitment to the [ethanol mandate] and ranching and farming communities in this country. But he doesn't want refineries to shut down either."

Omaha World-Herald

http://www.omaha.com/news/nebraska/epa-chief-scott-pruitt-touts-trump-administration-actions-updates-ethanol/article_86203c42-aecd-5b9e-8ca5-8dd5a7fc0e87.html

EPA chief Scott Pruitt touts Trump administration actions, updates ethanol dispute

By Joseph Morton, 3/13/18

WASHINGTON — Environmental Protection Agency chief Scott Pruitt said Monday that he and President Donald Trump remain committed to robust federal ethanol mandates, but he also emphasized the need to address ongoing volatility in the marketplace.

"You don't want that kind of uncertainty out there," Pruitt said.

At issue is the Renewable Fuel Standard, which requires a certain amount of ethanol and biodiesel to be blended into the nation's fuel supply each year, a requirement the EPA enforces through the use of certificates known as RINs, which refineries either earn or purchase.

Refineries have complained that they are getting hurt by RIN price spikes caused by Wall Street speculation and have pushed to cap those prices. The ethanol industry and Corn Belt lawmakers fiercely oppose such a move, saying it would undermine innovation and growth in the biofuels sector.

Pruitt said his agency would administer the Renewable Fuel Standard by following both the letter of the law and the spirit behind it, but he noted that the RIN system was originally created as an accounting mechanism to track compliance.

"It's turned into something different than that over the years," he said.

Pruitt's comments came during a question-and-answer session with reporters in his Washington headquarters. He touted EPA actions during the Trump administration's first year and particularly his travels to different parts of the country, including a stop in Nebraska during which he met with Republican Gov. Pete Ricketts and others.

Pruitt said the agency has made progress in providing regulatory certainty and ended the approach of making policy through court settlements that didn't allow for the same kind of transparency as the traditional rule-making process.

He cited the EPA's rollback of the so-called Waters of the U.S. rule, which many farmers worried would saddle them with excessive compliance costs. And he highlighted EPA efforts to work through the long list of Superfund sites across the country, including Omaha's.

As for the RFS, he said that the administration has kept volume requirements of ethanol high but that the issues surrounding RIN prices are not easily addressed.

"The president has a commitment to RFS and the farming and ranching community across this country, but he doesn't want refineries shut down either," Pruitt said.

Ethanol supporters question how much effect RIN prices have on refiners and say allowing E15 to be sold year-round would help ease the situation.

Pruitt supports year-round sale of E15 but said it's not a policy matter so much as a legal question. He said he's directed his aides to explore what is permissible under the law.

"I told the folks in Iowa if the law allows me to do it I'll sign it tomorrow," Pruitt said. "Because I think it doesn't make a lot of sense to only be able to sell nine months out of the year. You ought to be able to sell 12 months out of the year."

Pruitt talked about other potential approaches to addressing RIN prices that would stop short of a cap, such as enhancing transparency in the marketplace.

There's evidence some are "hoarding" RINs in ways that drive up their price, he said, and he cited proposals to limit those who can buy and sell the certificates.

Pruitt said he's looking for some kind of solution that will work for both sides, but he repeatedly stressed the importance of tackling those price fluctuations.

"We have to get more stability in the valuation of RINs," he said. "It has to occur."

Renewable Fuels Association President and CEO Bob Dinneen later released a statement saying the group was "encouraged" by Pruitt's comments about E15.

Dinneen said the EPA has the legal authority to allow year-round E15 sales, urged the agency to take action soon and agreed that RIN hoarding is distorting the market.

"We would be receptive to any proposals bringing more transparency and liquidity to the RIN market," Dinneen said. "Fundamentally, we believe that any effort to address RIN costs should be through demand expansion."

Las Vegas Review-Journal

<https://www.reviewjournal.com/news/politics-and-government/epa-chief-says-regulation-rollback-benefits-nevada-mining-companies/>

EPA chief says regulation rollback benefits Nevada mining companies

By Gary Martin, 3/12/18, 2:54 PM

WASHINGTON — The Environmental Protection Agency rolled back 22 regulations last year that saved \$1 billion, including one that will benefit hard-rock mining companies that operate in states like Nevada, Administrator Scott Pruitt said Monday.

While Pruitt touted a reversal of many Obama-era regulations, conservation groups like the Environmental Defense Fund said the Trump administration's reduction in spending on EPA programs could negatively impact Nevada's economy and environment "for years to come."

Pruitt, though, said he has used the first year of his term as EPA administrator to try "to restore order in the rule-making process."

A former Oklahoma attorney general who opposed EPA regulations, Pruitt has led an agency makeover to focus on a "back-to-basics agenda."

Pruitt told a roundtable with regional reporters that when he arrived at the agency, "there wasn't an urgency in getting things done."

Democrats in Congress have criticized the Trump administration and Pruitt for cuts to EPA programs and efforts to dismantle regulatory protections that have been implemented since 1970 when the agency was created.

"We are seeing now the defunding of several programs and overall spending by the EPA, and in turn less accountability from companies and industries that are rid of necessary rules that restrict environmental damage or pollution," said Sen. Catherine Cortez Masto, D-Nev.

"It's detrimental to the safety and health of Nevadans," said Cortez Masto, a member of the Senate Energy and Natural Resources Committee.

But Pruitt said that in states like Nevada, regulatory rollbacks or actions were sought locally and helped economically. Pruitt said a decision not to implement the "financial assistance rule" relieved mining companies of duplicate bond requirements.

The decision by EPA to not implement the financial assistance rule was applauded by both Republican and Democratic governors in Nevada, Minnesota and other states that saw it as "not really achieving any benefit."

He also touted a decision that kept the Anaconda Mine near Yerington, Nevada, off the EPA Superfund list, allowing an accelerated privately funded cleanup of the old copper mine.

Pruitt said Nevadans supported the decision because they want the land repurposed, and placing it on a federal Superfund list would lead to an "uncertain and time-consuming" cleanup process.

The EPA administrator spent three days in Nevada last year, including at an event with Gov. Brian Sandoval at the Anaconda Mine.

Pruitt said he is most satisfied with work with governors and communities to move contaminated sites off the Superfund priorities list and finding a resolution on cleanup of sites.

Denver Post

<https://www.denverpost.com/2018/03/12/gold-king-mine-disaster-claims-scott-pruitt/>

Gold King Mine disaster claims to be fully reviewed by month's end, EPA chief Scott Pruitt says

By Mark K. Matthews, 3/12/18, 6:50 PM

WASHINGTON — EPA Administrator Scott Pruitt said Monday he plans to have reviewed by month's end a stack of about 400 claims filed mostly by residents of Colorado, Utah, New Mexico and the Navajo Nation over damages they sustained during the 2015 Gold King Mine disaster.

That's not to say the checks will arrive soon — Pruitt and his staff didn't give a timeline for when Uncle Sam might pay up for the government's role in releasing 3 million gallons of contaminated water into the Animas River watershed near Silverton.

But Pruitt said that he and the legal team at the U.S. Environmental Protection Agency are aiming this month to make recommendations on all 400 claims, including about 70 that initially were rejected by the EPA on the grounds the agency had sovereign immunity from this kind of legal action.

"This agency, and more particularly the U.S. government, caused harm to citizens in Colorado, New Mexico and Utah and it had not taken steps to address that," said Pruitt, speaking to a small group of reporters in his Washington, D.C., office.

EPA officials said the claims — filed by businesses, residents and local governments — range from about \$100 into the tens of millions of dollars. If the amount of a successful claim is less than \$2,500, the money will come from the EPA. Anything more than that would come from a special federal fund created to pay out claims against the government.

Pruitt added that he's talked to U.S. Attorney General Jeff Sessions because he said the "amount of some these claims" requires approval from the Justice Department.

"It isn't something exclusively that we can do on our own," said Pruitt, who added that the types of grievances run the gamut. "We have a wide array of claims: recreation and business owners, those that were impacted from a vacation perspective, landowners, farmers and ranchers."

The latest turn comes more than two years after a team led by the EPA accidentally spilled more than 3 million gallons of yellowish, metal-laced water into a tributary of the Animas River.

The workers were there to examine ongoing leaks from the Gold King Mine — which already was discharging about 3 million gallons every 10 days, according to one government report — but the bright-colored spill and the EPA's role drew national attention.

A spokeswoman for U.S. Sen. Michael Bennet said local residents have "waited far too long for compensation" but that the Colorado Democrat wouldn't support any proposal that would require a substantial cut from the EPA.

"Michael does not believe it's necessary to erode the EPA's budget ... in order to pay the claims," said Samantha Slater, his spokeswoman, in a statement.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076187/search?keyword=EPA>

Pruitt talks regs, biofuels, toxic sites

3/13/18

U.S. EPA chief Scott Pruitt held a "regional roundtable" with reporters yesterday, discussing his first year in charge, the year ahead and local issues.

He also promised a final decision on rewriting the federal Waters of the U.S. rule.

Pruitt touted the regulatory rollbacks under his tenure, linking them to economic boosts in states like Nevada. Hardrock mining companies, he said, benefit from his "back-to-basics" approach. He took credit for keeping Nevada's Anaconda copper mine off the Superfund list, allowing a private company to accelerate cleanup (Gary Martin, Las Vegas Review-Journal, March 12).

He also broached the idea of limiting Wall Street's capacity to trade renewable fuel credits, also called Renewable Identification Numbers. RINs are bought by oil refiners that don't blend ethanol into gasoline themselves. But the refiners say the trade is prone to manipulation that can drastically increase prices (James Osborne, Houston Chronicle, March 12).

Pruitt also said he has a fix for the West Lake Landfill Superfund site in St. Louis, but it could involve a massive excavation project.

"What is really exciting about St. Louis is at this point, in five years the uranium will be removed," Pruitt said. The site contains refuse from World War II atomic bomb factories (Chuck Raasch, St. Louis Post-Dispatch, March 13).

Turning to another toxic site, Pruitt said that by month's end, his office will finish reviewing about 400 claims from Colorado, Utah, New Mexico and Navajo Nation residents regarding the 2015 Gold King mine disaster, which released 3 million gallons of contaminated water into the Animas River watershed.

Pruitt gave no timeline for payments on these claims (Mark Matthews, Denver Post, March 12). — NB

Reuters

<https://www.reuters.com/article/us-usa-biofuels-pes/bankrupt-philadelphia-refiner-settles-biofuel-obligation-with-epa-court-filing-idUSKCN1GO2PT>

Bankrupt Philadelphia refiner settles biofuel obligation with EPA: court filing

By Jarrett Renshaw, 3/12/18, 5:42 PM

NEW YORK (Reuters) - The U.S. Environmental Protection Agency granted a bankrupt Philadelphia oil refining company a reprieve from complying with the nation's renewable fuel laws, according to a settlement agreement filed on Monday.

The refiner, Carlyle Group-backed Philadelphia Energy Solutions (PES), filed for bankruptcy protection in January and asked a judge to waive some \$350 million in compliance costs under the U.S. Renewable Fuel Standard, or RFS.

The EPA and PES agreed on Monday that the refiner would only have to satisfy about half those costs, but would face more scrutiny moving forward, court documents showed. The settlement is facing early opposition from ethanol groups.

The settlement comes amid a fight between powerful corn and oil interests in Washington over the future of the RFS program. President Donald Trump has sought to bring the two sides together in recent weeks to come up with reforms that can lower the cost for refiners without hurting demand for biofuels, wading into an issue that divides two important constituencies.

The PES bankruptcy - and the potential loss of 1,100 jobs in a key electoral state - had fueled calls for change.

The RFS requires refiners to blend biofuels like ethanol into their fuel or buy credits from those who do. PES, which lacks blending facilities, entered into bankruptcy owing 467 million credits from 2016 and 2017, with only 210 million credits in hand, the filing showed.

The EPA said PES could comply with the program by turning over its available credits and would be excused from any shortfall, a huge win for the refiner. It said the deal would cover the company up until the point it exits bankruptcy.

After exiting bankruptcy, PES would have to comply with the law on a semi-annual basis as opposed to annually and submit itself to more EPA scrutiny. It would face penalties for non-compliance with the agreement.

Neither EPA nor PES responded to requests for comment.

PES has blamed its financial woes on the cost of buying the credits.. But Reuters reported that other factors may also have played a role in the bankruptcy, including the withdrawal of more than \$590 million in dividend-style payments from the company by its investor owners.

The private equity firm Carlyle Group rescued the refinery from shutting in 2012, putting up \$175 million for majority control of the company. The majority of the dividends paid to the Carlyle-led investor group were backed by loans taken against the refinery's assets.

The deal will be open for public comment for 10 days before it is finalized, and biofuel groups are showing early opposition.

"Under this settlement, it looks like the Carlyle Group gets to keep that cash while avoiding investing in U.S. biofuels and long-term job security for Philadelphia workers. If that's the case, this is a massive handout," Brooke Coleman, head of the Advanced Biofuels Council, said.

Bob Dinneen, CEO of the Renewable Fuels Association, said the group was still evaluating the settlement, "but at first blush, this strikes us as rewarding bombast behavior and it sets an extraordinarily bad precedent."

The case is #18-10122 (KG), in the U.S. Bankruptcy Court for the District of Delaware.

Reuters

<https://www.reuters.com/article/us-usa-biofuels-rins/biofuel-credits-drop-in-wake-of-refiner-settlement-traders-idUSKCN1GP1RC>

Biofuel credits drop in wake of refiner settlement - traders

3/13/18, 9:27 AM

NEW YORK (Reuters) - Renewable fuel credits for 2018 slipped on Tuesday after the U.S. Environmental Protection Agency granted a bankrupt Philadelphia refiner significant relief from its biofuel obligations.

Prices for renewable fuel (D6) credits for 2018 traded at 35 cents on Tuesday morning, traders said, down from 38.5 cents on Monday and roughly 40 percent lower than just two weeks ago.

The EPA and the Carlyle Group-backed Philadelphia Energy Solutions refinery agreed on Monday that the refiner would have to satisfy only roughly half of its \$350 million worth of outstanding compliance obligations under the U.S. Renewable Fuel Standard. The RFS requires refiners to blend biofuels like ethanol into their fuel or buy credits from those that do.

The settlement, which must be approved by a federal judge and faces a public comment period, says PES does not have to go into market and buy some 250 million compliance credits covering 2016, 2017 and portions of 2018. That has raised concerns among biofuels producers that other independent refiners may also seek relief.

The EPA has also signaled that it is willing to exempt a larger number of small refineries from the program, limiting the number of potential buyers and putting even more credits into the market.

PES, which lacks blending facilities, entered into bankruptcy owing 467 million credits from 2016 and 2017, with only 210 million credits in hand, the filing showed.

The EPA said PES could comply with the program by turning over its available credits and would be excused from any shortfall, a huge win for the refiner. It said the deal would cover the company up until the point it exits bankruptcy.

Wall Street Journal

<https://www.wsj.com/articles/you-rin-some-you-lose-some-1520897397?mod=searchresults&page=1&pos=3>

You RIN Some, You Lose Some (*Opinion)

3/12/18, 7:29 PM

Donald Trump is willing to risk a trade war to protect steelworkers, so you'd think he'd also stand up to Chuck Grassley, Joni Ernst and Deb Fischer. But last fall the corn-state Senators strong-armed the Trump Administration into preserving ethanol policies that have jeopardized hundreds of steelworkers' jobs and driven the East Coast's biggest refinery into bankruptcy. The Administration now has the opportunity to mitigate this regulatory wrong.

The Environmental Protection Agency enforces its biofuels quotas with compliance credits known as "renewable identification numbers," or RINs, which are created when ethanol is mixed with gasoline. Independent refiners often lack the ability to blend, so they're forced to buy credits to comply. RINs holders know they hold the pricing power, and the cost of biofuels credits has skyrocketed.

The credits cost more than the total pay and benefits for Philadelphia Energy Solutions' 692 unionized steelworkers. The refinery has spent \$832 million on RINs since 2012, and CEO Gregory Gatta said that "massive expense" prompted Philadelphia Energy Solutions' Chapter 11 filing in January. Unless the feds offer RIN relief, the refinery's future looks bleak.

"Our job's up in the air," says Mike Gioquindo, a Trump voter and member of Steelworkers Local 10-1. "I have a daughter who's about to start college. I don't know if I can help her out. We have another daughter, and we have to support her, too. I'm 54 years old, and I don't know if I can start another career at this age making the good wages that we make. So we need some help from President Trump on RINs."

Mr. Trump has held three recent meetings on biofuels. Senators Grassley, Ernst and Fischer typically demand unconditional surrender on ethanol, so it's a good sign the President has also heard from Senators Ted Cruz and Pat Toomey, whose constituents are feeling the pain of current policy. One compromise on offer would impose a RIN price cap or offer a waiver that would allow independent refiners to buy credits directly from the federal government when

market prices rose too high. In exchange the ethanol lobby would get a pass to blend biofuels year-round, producing fuel with higher levels of ethanol per gallon.

This compromise is far from perfect, preserving the artificial market for RINs. Businesses are still forced to spend money on compliance that could be put to more productive use elsewhere. Pure gasoline can fuel a car further than biofuel blends, so as ethanol levels rise, consumers get fewer miles per gallon. Fuel that contains more than 10% ethanol is also corrosive to many engines. Consumers will either pay more for gas with lower-ethanol blends or take their chances with their vehicles.

The compromise is especially cynical when it comes to the environment. The corn lobby sold Washington on ethanol by marketing it as a cleaner fuel source. That claim was always dubious, given that biofuels are carbon-intensive to produce and transport. Ethanol evaporates faster than gas, releasing smog-causing pollutants. That evaporation is accelerated in warm weather, which is why the EPA has historically limited ethanol blending to cooler months. But corn states are apparently willing to give up green credibility in exchange for higher ethanol profits.

The core problem is that the federal government has distorted the energy market by using subsidies and mandates to support biofuels. The solution is to end this political favoritism. But if the Trump Administration lacks the political fortitude to stand up to the ethanol lobby, at least it can limit the most destructive effects. When policy is this bad, almost anything is an improvement over the status quo.

Daily Caller

<http://dailycaller.com/2018/03/12/california-court-sued-trump-epa/>

The Court Just Dealt Another Blow To Trump's Reshaping Of EPA

By Michael Bastasch, 3/12/18, 4:48 PM

The U.S. Court for the District of Northern California ruled the Environmental Protection Agency (EPA) broke the law by missing a regulatory deadline for ozone regulations the Obama administration imposed.

Environmentalists sued President Donald Trump's administration for not announcing which parts of the country were out of compliance with smog regulations. EPA Administrator Scott Pruitt was supposed to issue the determinations in October but delayed his announcement.

"There is no dispute as to liability: Defendants admit that the administrator violated his nondiscretionary duty under the Clean Air Act to promulgate by October 1, 2017 initial area air quality designations," Judge Stirling Gilliam Jr. wrote in his opinion, The Hill reported.

The Justice Department admitted in a recent legal filing that EPA missed the deadline set for issuing regulatory determinations under the Clean Air Act. EPA will soon have to make public which areas of the country are in compliance with ozone regulations.

It's a setback for the Trump administration's deregulatory agenda but probably only a small one. Officials have been trying to roll back the Obama-era ozone rule for months, but legal challenges from environmental groups and states have kept the regulation alive.

The Trump administration initially suspended the 2015 ozone regulation, but the administration reversed course in August. The ozone rule has been locked in litigation since its finalization in 2015.

EPA put stricter ozone regulations in place in 2015, bringing national limits from 75 to 70 parts per billion. Counties out of compliance have to find ways to reduce smog levels, which can lead to burdensome costs.

Pruitt is likely working to repeal the ozone rule. Industry groups have called it one of the most expensive air quality regulations ever.

EPA estimated lowering ozone concentrations would cost \$2 billion, including California's compliance costs. The ozone rule benefits range from \$3.1 billion to \$8 billion, EPA said, but most benefits come from reducing fine particulate matter — not lower ozone levels.

A 2014 National Association of Manufacturers (NAM) study found a 65 parts per billion ozone standard would cost \$1.13 trillion from 2017 to 2040. While not as low, the 2015 ozone standard would likely stack up in the hundreds of billions based on NAM's report.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/federal-judge-orders-epa-to-designate-areas-with-unsafe-smog>

Federal judge orders EPA to designate areas with unsafe smog

By Josh Siegel, 3/12/18, 3:57 PM

A federal judge ruled Monday that the Environmental Protection Agency must announce the areas of the country that are breaking caps on smog-forming ozone by the end of next month.

Judge Haywood Stirling Gilliam Jr. of the U.S. District Court for the Northern District of California on Monday ruled that EPA Administrator Scott Pruitt broke the Clean Air Act by missing an Oct. 1, 2017, deadline and ordered the EPA to identify all areas of the nation with unsafe smog by April 30, except for San Antonio. The Texas city was given more time, as state officials are submitting more information to the EPA.

Gilliam was named to the court by former President Barack Obama.

Environmentalists sued the EPA in December for missing the deadline to implement strict standards for controlling smog-forming ozone, set in motion by the Obama administration. The EPA was required under the Clean Air Act to designate noncompliant areas of the country under the 2015 ozone rule by Oct. 1, 2017, but it failed to do so.

Attorneys general from 14 states and the District of Columbia also sued the EPA for missing the deadline.

In November, Pruitt said he was still consulting with states and local regions on how to meet the standards and needed more time before making any decisions.

Under the ozone rules, the EPA must designate regions of the country that cannot comply with the standards and then work with those states to develop plans to reduce the smog-forming pollution, which can cause respiratory problems.

In June, Pruitt tried to impose a lengthy delay on the implementation of the rules, which he reversed after legal challenges.

Pruitt in November announced that 2,646 counties in the country — about 85 percent — meet the new standards, but did not declare the remaining counties as nonattainment areas.

The EPA Monday afternoon said it reviewing the smog information from the states.

"We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level ozone. We are evaluating the information provided by governors in February 2018 as part of that process," said EPA spokeswoman Liz Bowman.

Reuters

<https://www.reuters.com/article/us-usa-epa-ozone/federal-court-orders-epa-to-implement-smog-rules-idUSKCN1GO2RB>

Federal court orders EPA to implement smog rules

By Valerie Volcovici, 3/12/18, 6:06 PM

WASHINGTON (Reuters) - A federal court on Monday ordered the Environmental Protection Agency to implement protections against smog set in 2015, the latest defeat in court by the agency as it rolls back environmental regulations.

The U.S. District Court for the Northern District of California ruled that the agency led by Administrator Scott Pruitt needs to move ahead to carry out the 2015 Ozone Standards and designate areas in the country that do not meet them.

The EPA has until April 30 to comply.

Pruitt "has failed to perform a non-discretionary duty imposed" to designate areas of the country that do not meet the standards set for levels of ozone, the main component in smog, the court order said.

EPA spokeswoman Liz Bowman said in an email: "We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level ozone; we are evaluating the information provided by governors in February 2018 as part of that process."

Pruitt last June initially intended to stall the Oct. 1 deadline by one year, but quickly reversed course the next day, without saying whether he would honor the Oct. 1 deadline.

Sixteen state attorneys general as well as a coalition of environmental groups sued to force Pruitt to meet the deadline and implement the smog standards.

"It will help us protect families and communities by ensuring that EPA is moving forward to implement health-based protections to reduce smog," said Environmental Defense Fund attorney Rachel Fullmer.

Smog exacerbates conditions like asthma, especially in children and senior citizens.

Courts have blocked several attempts by the EPA and U.S. Interior Department to suspend regulations curbing methane leaks from oil and gas infrastructure.

Last June, the EPA restored a mercury protection rule after being sued by the Natural Resources Defense Council.

New York Attorney General Eric Schneiderman, one of the AGs who sued the administration, said on Monday he will keep "a close eye" on whether EPA complies with the order.

AP

<https://apnews.com/f8fe5110cde844aab429500d7cdec8b6/Judge:-Trump-administration-violated-law-over-smog-findings>

Judge: Trump administration violated law over smog findings

By Sudhin Thanawala, 3/12/18

SAN FRANCISCO (AP) — The Trump administration violated federal law when it failed to meet a deadline to identify all parts of the U.S. that don't meet air quality standards for smog, a federal judge ruled on Monday.

U.S. District Judge Haywood Gilliam ordered the U.S. Environmental Protection Agency to complete the designations by the end of April.

His ruling was for two lawsuits, including one filed by California, 13 other states and the District of Columbia.

The EPA had until October 1, 2017, to designate what parts of the country were in and out of compliance with tougher smog standards adopted during the Obama administration.

The states' lawsuit said smog can cause or aggravate diseases including heart disease, bronchitis and emphysema, and the new standards would save hundreds of lives each year.

The designations trigger a process that forces polluted regions to take steps to improve air quality.

An email for comment sent to the U.S. Department of Justice was not immediately returned.

California Attorney General Xavier Becerra said in a statement on Monday that the state will "closely monitor" the EPA to make sure it meets the court's order.

"We stand ready to do what's necessary to ensure that the EPA does not shirk its legal responsibilities," he said.

The EPA acknowledged that it violated the Clean Air Act by failing to issue the air quality designations by the October 1 deadline, but said it was moving fast and would complete the process no later than April 30, according to Gilliam's ruling.

Gilliam rejected the states' request that the EPA move faster on some designations and make all designations effective immediately.

Becerra and Democratic officials in other states have repeatedly clashed with the Trump administration over the its push to loosen environmental regulations.

Becerra was joined in the smog suit by the attorneys general in Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington state. Minnesota's Pollution Control Agency also joined the suit.

The Hill

<http://thehill.com/policy/energy-environment/377977-court-epa-broke-law-with-smog-rule-delay>

Court: EPA broke law with smog rule delay

By Timothy Cama, 3/12/18, 3:16 PM

The Trump administration broke the law when it missed a deadline last year in implementing the Environmental Protection Agency's (EPA) ozone pollution rule, a federal court ruled Monday.

EPA Administrator Scott Pruitt was supposed to announce by Oct. 1 which areas of the country were in compliance with the 2015 Obama administration rule.

Pruitt later announced findings for areas that comply, but not for areas that do not.

Judge Haywood Stirling Gilliam Jr. of the federal District Court for the District of Northern California said Monday that Pruitt broke the law, and ordered him to publish the findings for almost all of the rest of the country by April 30.

"There is no dispute as to liability: Defendants admit that the administrator violated his nondiscretionary duty under the Clean Air Act to promulgate by October 1, 2017, initial area air quality designations," Gilliam wrote, citing a January court filing by the Justice Department acknowledging that the EPA missed the deadline.

An EPA spokeswoman said the agency is moving forward on the designations.

"We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level ozone; we are evaluating the information provided by governors in February 2018 as part of that process," Liz Bowman said in a statement.

The decision is one in a string of court losses the Trump administration has faced in its ongoing mission to change, delay or undo the Obama administration's aggressive environmental agenda. Other recent decisions have faulted the Energy Department for blocking energy efficiency rules and both the EPA and Interior Department for delaying methane regulations.

The ozone case concerns a 2015 rule that set the limit for ground-level ozone at 70 parts per billion, a change from the previous 75 parts per billion.

Ozone is a byproduct of pollutants from burning fossil fuels and a component of smog. It is linked to respiratory ailments such as asthma attacks.

In areas that don't meet the standard, states must write up plans to reduce pollution and come into compliance.

California Attorney General Xavier Becerra, who led the litigation, applauded the Monday ruling.

"The U.S. Environmental Protection Agency admitted in this case that it failed to do its job and meet its deadline under the Clean Air Act," he said in a statement. "The stakes are high. The smog-reducing requirements at issue will save hundreds of lives and prevent 230,000 asthma attacks among children. That's worth fighting for."

Environmental groups also welcomed the decision.

"Today's court decision is a big win for the health of America's children. It will help us protect families and communities by ensuring that EPA is moving forward to implement health-based protections to reduce smog," said Rachel Fullmer, an attorney with the Environmental Defense Fund.

Green groups who sued the Trump administration over the ozone delay wanted a quicker deadline, while the EPA pushed for April 30, saying it could meet that timeline.

The EPA is under a different timeline for the area surrounding San Antonio because the Texas state government is submitting new information. That area's deadline is October.

Gilliam was nominated to the bench by former President Obama.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060076113/search?keyword=EPA>

Judge faults EPA for delaying ozone designations

By Sean Reilly, 3/12/18

U.S. EPA will have to complete tardy attainment designations for its 2015 ozone standard by mid-July, or several weeks ahead of its preferred schedule, a federal judge ruled today in lawsuits brought by Democratic-led states and public health and environmental advocacy groups.

In the order, U.S. District Judge Haywood Gilliam of the Northern District of California granted summary judgment in favor of the plaintiffs and required EPA to issue most of the remaining designations for Houston, New York City and other large metropolitan areas by April 30 as agency officials had tentatively said they already planned to do.

Gilliam was unconvinced, however, by EPA's insistence that it needed until Aug. 10 to make a final decision on an eight-county area in and around San Antonio.

EPA failed "to set forth budgetary, manpower or technical constraints that would make it impracticable for the agency to promulgate a San Antonio area designation" before Aug. 10, he wrote in today's order. Instead, Gilliam agreed to the 127-day timetable urged by the American Lung Association and the other advocacy groups.

That schedule, which effectively sets a July 17 deadline for the San Antonio area designation, incorporates a required four-month notice period when EPA's decision diverges from a state's recommendation, plus a week grace period from the date of today's order.

Gilliam denied a request from California and more than a dozen other states to make all of the remaining attainment designations effective immediately for compliance purposes, instead of following EPA's recent practice of allowing a month or two of lag time.

"The Court assumes that EPA will meet its stated thirty to sixty day timeline, and would consider whether a further order is necessary if it fails to do so," Gilliam wrote.

His decision "got it right," Seth Johnson, an Earthjustice attorney representing the public health and environmental groups, said in a phone interview.

"The agency's arguments for more delay were meritless, and it's important to move ahead and get these health protections in place as quickly as possible."

Also welcoming the decision was California Attorney General Xavier Becerra (D), the lead state plaintiff in the litigation.

"The smog-reducing requirements at issue will save hundreds of lives and prevent 230,000 asthma attacks among children," Becerra said in a news release. "That's worth fighting for."

EPA is reviewing the decision, a spokeswoman said in an email.

Ground-level ozone, a lung irritant that is the main ingredient in smog, is tied to asthma attacks in children and wider-ranging problems in people with chronic respiratory diseases.

In October 2015, EPA tightened its air quality standard for the gas from 75 parts per billion to 70 ppb, citing the need to protect public health in light of fresh research on ozone's dangers.

By law, the attainment designations — which start the clock for states to develop cleanup plans for areas that are out of compliance — were due at the beginning of last October. Without explanation, EPA missed that deadline.

Although the agency in November effectively declared some 85 percent of U.S. counties in attainment for the 70-ppb threshold, it delayed decisions on every area likely to have trouble meeting the standard.

At a hearing late last month, an EPA attorney also broached the possibility that the agency could miss the April 30 deadline depending on the comments received on its proposed designations (Greenwire, Feb. 23).

In a footnote to today's ruling, Gilliam wrote that "any such further delay is unacceptable at this stage, and EPA will be held to its promised April 30 deadline."

A separate lawsuit involving many of the same plaintiffs is pending before the U.S. Court of Appeals for the District of Columbia Circuit. The court in that case has ordered EPA to submit a status report by May 15 (Greenwire, Feb. 7).

BN

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664791&item=408&prod=deln&cat=AGENCY

Court Sets Texas Ozone Decision Deadline Earlier Than EPA Sought

By Jennifer Lu, 3/13/18

The EPA must hasten to decide whether the San Antonio area violates the ozone standards set in 2015 and how much time the region has to tighten controls on air pollution.

The U.S. District Court for the Northern District of California said March 12 that the Environmental Protection Agency must complete its work on San Antonio ozone pollution status by mid July, several weeks earlier than the Aug. 10 deadline that the agency had asked for.

The court also agreed to the EPA's plan to complete other ozone pollution designations for places such as California by April 30.

Without non-attainment area designations, states can't begin to work on pollution reduction plans whose deadlines take effect only after those decisions are made. However, many states must begin meeting the new standards in 2020, with states with the worst ozone pollution coming into attainment in 2037.

The EPA failed "to set forth budgetary, manpower, or technical constraints that would make it impracticable for the agency to promulgate a San Antonio area designation prior to August 10, 2018," said U.S. District Judge Haywood Gilliam, Jr. in his decision.

The original designations for ozone were due in October 2017.

After the agency missed that deadline, states and environmental groups—including the American Lung Association, the National Parks Conservation Association, and the Sierra Club—sued the EPA.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

AP

<https://apnews.com/8ff515f81b314e4aa38b0a66fb4231da/Officials-seek-to-reopen-Idaho-mine-following-settlement>

Officials seek to reopen Idaho mine following settlement

3/13/18

SPOKANE, Wash. (AP) — A northern Idaho mine could be put back into operation following the settlement of a federal lawsuit against the mine's owner.

The Spokesman-Review reports a settlement agreement was filed Monday in federal court in Boise that aims to resolve environmental liabilities against the owner of Bunker Hill Mine and ends a counter lawsuit against the Environmental Protection Agency.

Officials with Bunker Hill Mining Co. are planning to reopen the mine near Kellogg on a limited basis by the end of the year. Officials say large-scale production could be possible in about two years.

The mining company is leasing the lead-zinc-silver property from owner Placer Mining Co.

The mine and smelter closed in 1981 after nearly a century of operations. The smelter was designated a federal Superfund site in 1983.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664800&item=408&prod=deln&cat=AGENCY

Idaho Firm to Restart Metals Mining After \$20M Fine

By Amena H. Saiyid, 3/13/18

Idaho-based Bunker Hill Mining Corp. will pay a \$20 million fine over a seven-year period to be able to resume operations to extract zinc, lead, and copper from a formerly shuttered mine at a Superfund site, the Justice Department announced March 12.

Under the agreement reached with the Justice Department, Bunker Hill Mining Corp.—which is leasing the mine—will pay the fine on behalf of the mine's owner, Placer Mining Company.

In return, neither company will be held liable for past contamination caused by acid mine drainage from the Bunker Hill mine, which is located in the state's northern panhandle.

The Justice Department hailed the agreement because it allows the most lucrative mine in the Coeur d'Alene mining district in northern Idaho to resume zinc, lead, and silver operations.

The company will pay almost \$1 million annually for wastewater treatment costs incurred by EPA going forward.

"We can now accelerate the work required to re-open the mine," Bruce Reid, Bunker Hill's president and CEO, said in a March 12 [statement](#).

The Bunker Hill mine stopped operations after it was declared a Superfund site in 1983.

The [agreement](#), which has been filed in the U.S District Court for the District of Idaho, has to be finalized by the court after a 30-day period.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076199/search?keyword=EPA>

Settlement paves way for reopening Idaho silver mine

By Dylan Brown, 3/13/18

The Trump administration reached a settlement yesterday that enables the reopening of an Idaho silver mine after two decades of Superfund cleanup at what was once one of the most toxic sites in the country.

U.S. EPA and the Department of Justice signed a consent decree with the owner of the Bunker Hill mine, Placer Mining Co. Inc.

A second settlement was reached with Bunker Hill Mining Corp., the Canadian lessee, which wants to restart operations on one of a slew of Superfund sites left behind by mining that once dominated Idaho's Silver Valley.

Bunker Hill has agreed to pay up to \$20 million to settle the dispute between EPA and Placer Mining over past cleanup work, resolving a lawsuit filed by the mining company.

Bunker Hill also will cover 82 percent of past costs and all future costs at the water treatment plant built to treat acid mine drainage in Kellogg, Idaho.

Before the mine and massive Bunker Hill smelter closed in 1981, local children registered some of the highest blood lead readings ever documented in North America.

Since the site was added to the Superfund program's National Priorities List in 1983, EPA and the state of Idaho have spent hundreds of millions of dollars on soil and water contamination treatment.

Cleanup still costs between \$25 million and \$30 million every year.

"Through this settlement, EPA is clearing the way for a new operator to resume mining, bringing jobs back to the community, while also securing the ongoing cleanup of contaminated water and recovery of EPA's past cleanup costs," EPA Administrator Scott Pruitt said in a statement.

Bunker Hill CEO Bruce Reid told The Spokesman-Review that the mine could reopen on a limited basis by the end of the year.

"We don't have the money yet. ... I'll have to go out and raise about \$100 million," Reid said, but he called the settlement a major step forward.

Politico

<https://www.politicopro.com/transportation/whiteboard/2018/03/pruitt-says-no-post-2025-car-standards-could-lead-to-fight-with-california-789604>

Pruitt says no post-2025 car standards, could lead to fight with California

By Alex Guillen, 3/13/18, 12:34 PM

EPA Administrator Scott Pruitt said he will not allow California to effectively control federal auto emissions standards, teeing up a potentially bruising legal battle with the Golden State, according to an interview with Pruitt in Bloomberg.

"California is not the arbiter of these issues," Pruitt told Bloomberg. The state can regulate emissions within its borders, "but that shouldn't and can't dictate to the rest of the country what these levels are going to be."

Pruitt specifically added that he is not "presently" considering issuing greenhouse gas emissions standards past the 2025 levels set under the Obama administration. California regulators said they would be willing to consider changes to the 2022-2025 standards if EPA would commit to issuing another five-year chunk that continued to improve on emissions.

"Being predictive about what's going to be taking place out in 2030 is really hard," Pruitt said. "I think it creates problems when you do that too aggressively. That's not something we're terribly focused on right now."

If EPA will not budge on the post-2025 standards, California may not agree to go along with changes to the 2022-2025 standards. That could lead to a regulatory patchwork, with automakers having to comply with stricter standards set by California and followed by a dozen other states, and weaker federal standards elsewhere in the U.S.

California Air Resources Board Chairman Mary Nichols told Bloomberg only that there is "nothing new" to say about negotiations with EPA.

WHAT'S NEXT: Pruitt faces an April 1 deadline to decide whether to revise standards set under the Obama administration for 2022-2025. Automakers have urged EPA to relax the rules.

Bloomberg

<https://www.bloomberg.com/news/articles/2018-03-13/epa-chief-signals-showdown-with-california-on-tailpipe-standards>

EPA Chief Signals Showdown With California on Tailpipe Standards

By Jennifer A. Dlouhy, Ryan Beene, and John Lippert, 3/13/18, 11:37 AM

The Trump administration's chief environmental regulator signaled a coming showdown with California, warning the state won't dictate the future of ambitious automobile fuel economy regulations enacted by the Obama administration.

"California is not the arbiter of these issues," said Environmental Protection Agency Administrator Scott Pruitt. California regulates greenhouse gas emissions at the state level, "but that shouldn't and can't dictate to the rest of the country what these levels are going to be."

The EPA faces an April 1 deadline to decide whether Obama-era corporate average fuel economy standards for cars and light trucks from 2022 to 2025 are attainable or should be revised. President Donald Trump's administration already ripped up the EPA's conclusion that no changes are needed, issued by the agency during former President Barack Obama's final weeks in the White House.

During a wide-ranging interview with Bloomberg News on Tuesday, Pruitt dismissed the possibility of setting standards beyond 2025, casting doubt on an offer by California officials who have said they would consider easing current standards in exchange for extending them beyond that year. The state is developing its own standards through 2030.

"Being predictive about what's going to be taking place out in 2030 is really hard," Pruitt said. "I think it creates problems when you do that too aggressively. That's not something we're terribly focused on right now."

Pruitt said the EPA is not "presently" looking at extending standards beyond 2025. California Air Resources Board Chairman Mary Nichols has signaled a willingness to discuss altering the state's auto rules in the near term if the Trump administration agrees to develop efficiency targets further into the future.

Automakers aggressively lobbied Trump to take a new look at the standards, arguing they need to be reviewed in light of surging light-truck sales, low gasoline prices and tepid demand for plug-in vehicles.

Even so, the companies have repeatedly stressed in recent weeks that they hope the federal government and California will continue coordinating their tailpipe emissions policies. They've also invested billions of dollars in electric cars aimed not just at California but also overseas markets, especially China.

Pruitt said setting fuel economy standards that are too aggressive would be counterproductive.

"The whole purpose of CAFE standards is to make cars more efficient that people are actually buying," Pruitt said. "If you just come in and try to drive this to a point where the auto sector in Detroit just makes cars that people don't want to purchase, then people are staying in older cars, and the emission levels are worse, which defeats the overall purpose of what we're trying to achieve."

The current debate was set in motion seven years ago, when automakers agreed to a trio of coordinated fuel economy rules overseen by the EPA, the National Highway Traffic Safety Administration and CARB that get more stringent each year through 2025. The requirements target a fleet average of more than 50 miles per gallon -- equivalent to about 36 mpg in real-world driving.

"We want to hear from those folks in California and hear from the political leadership and try to make some informed decisions, but also say at the same time, we have a job to do," Pruitt said. "We're going to do our job. And if there are steps being taken to impede that, we'll have to address that."

Reached by telephone Tuesday, Nichols said, "My only comment is, 'nothing new.' That's it."

Separately, Pruitt brushed away reports that White House officials have killed his plans for a "red team, blue team" debate examining the scientific research on climate change. "Don't believe everything you read," he said.

"It's very important that I think the American people have a transparent, objective discussion about this issue," Pruitt said. "The vehicle by which we achieve that is something yet to be determined."

Pruitt said he wouldn't prejudge what that review would mean for the EPA's landmark 2009 conclusion that greenhouse gases endanger human health and welfare. Some conservatives argue the Trump administration's regulatory rollbacks are in jeopardy if the EPA doesn't strip that so-called "endangerment finding" from the books.

Pruitt repeated his assertion that there are open questions about the extent to which humans contribute to climate change, and he questioned the ability to "look forward 80 plus years" and predict the ideal global average surface temperature in 2100.

The U.S. Global Change Research Program, which includes staff from the EPA and every major federal science agency, said in a report last November that the global average surface air temperature has increased by 1.8 degrees Fahrenheit since 1900, making it "the warmest in the history of modern civilization."

Those researchers called it "extremely likely that human activity" is the cause, warned the trend will continue unless greenhouse gas are reduced and emphasized "there is no convincing alternative explanation supported by the extent of the observational evidence."

Pruitt downplayed the EPA's role in that assessment, noting it was the product of several government agencies. It's not a matter of whether those scientific warnings are "right or wrong," Pruitt said, but "making sure that all voices are heard in the process, because there are people that disagree with that."

Government-sponsored scientific research on climate change and other environmental issues needs to be open for public scrutiny, with its conclusions subject to "robust analysis," Pruitt said.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-eases-air-permitting-requirements-790532>

Pruitt eases air permitting requirements

By Alex Guillen, 3/13/18, 1:32 PM

EPA Administrator Scott Pruitt said today that his agency is changing its interpretation of a key permitting program to make it easier for companies to avoid a complicated permitting process.

Past policy "had the practical effect of preventing certain projects from going forward and significantly delaying others, even though those projects would not have resulted in a significant emissions increase," Pruitt wrote in a memo today.

Companies must obtain "pre-construction" permits from EPA before building a new source or making major changes to an existing one. A two-step process determines whether a project's emissions are significant enough to trigger a more complicated and expensive evaluation.

Under Pruitt's new interpretation, power plants, refineries and other major emitters can now factor in the pollution reductions associated with a major project along with its emissions increases within that first step. Projects that are calculated in that first step to not significantly increase emissions can then obtain minor source permits from states.

But those that would significantly increase emissions must conduct a more thorough New Source Review evaluation that also could require more expensive pollution controls.

The new interpretation makes it easier for companies to obtain the minor source permit instead of the more complicated NSR permit, and it quickly drew praise from the American Petroleum Institute and American Fuel & Petrochemical Manufacturers.

EPA in December said it will ease its enforcement of the NSR permitting program and will not "second guess" industry projections.

The Hill

<http://thehill.com/policy/energy-environment/377990-pruitt-misses-deadline-to-hand-over-travel-docs-to-congress>

Pruitt misses deadline to turn travel docs over to Congress

By Miranda Green, 3/12/18, 4:21 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt has failed to meet a key deadline in his ongoing first-class travel saga.

Pruitt has yet to provide key travel documents to Rep. Trey Gowdy (R-S.C.), the chairman of the House Oversight and Government Reform Committee, who requested documentation and explanation surrounding Pruitt's first- and business-class work travel. The deadline to answer Gowdy was March 6.

In a letter addressed to Pruitt at the end of February, the Republican congressman pointed out concerns over the EPA chief's reported use of a "blanket waiver" to fly first class, a method Gowdy called prohibited.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs. Instead, a waiver for each flight is required in order to fly first or business class when traveling on official government business," Gowdy wrote.

A spokesperson for the EPA said the agency has been in touch with Gowdy's office in an attempt to get the information to him.

"We have been in contact with Chairman Gowdy and are accommodating his request as quickly as possible," EPA spokesman Jahan Wilcox said in a statement.

Pruitt has made headlines in the past few months over news that he primarily uses first class and business class when flying, including on short destination flights such as between Washington, D.C., and New York City.

Pruitt promised in February that his next flight would be in coach.

The Washington Post reported in early February that Pruitt had spent thousands on travel, racking up at least \$90,000 in taxpayer-funded travel over just part of June.

Pruitt is just one of a few current and former Trump cabinet members who have been scrutinized over their use of public funds.

In September, then-Health and Human Services Secretary Tom Price resigned following an uproar over his use of private jets for official business.

Just last week there was a report that the Interior Department reportedly spent \$139,000 upgrading the doors in Interior Secretary Ryan Zinke's office.

This was just after reports that the Department of Housing and Urban Development was planning to reportedly spend \$165,000 on "lounge furniture" for its D.C. office.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664787&item=408&prod=dein&cat=AGENCY

EPA Pushes to Reduce Lead, Arsenic in Community Water Systems

By Amena H. Saiyid, 3/13/18

The EPA wants to do more to help the roughly 8 percent of small drinking water systems that fail federal criteria for contaminants such as lead and arsenic, the agency's top drinking water official said March 12.

The push to aid community drinking water systems, which serve fewer than 1,000 people, is part of the Environmental Protection Agency Scott Pruitt's plan to identify "breakthrough measures" for the agency to improve its core mission of providing clean and safe drinking water to the public, Peter Grevatt, director of Environmental Protection Agency's Office of Drinking Water and Groundwater, told the Association of State Drinking Water Administrators.

About 50,000 community drinking water systems are in the U.S. and between 8 and 9 percent of those are not in compliance with all health based standards, Grevatt said. The EPA wants to bring one-quarter of those systems back into compliance within four years.

"One of the questions the administrator is asking of us is should you be satisfied with the idea that roughly 8 percent of systems nationally are not meeting health based standards, and what does that mean for children living in those communities?" Grevatt said.

Jerri Henry, drinking program manager for the Idaho Department of Environmental Quality, asked Grevatt whether enforcement would play a major role in bringing compliance.

In response, Grevatt said enforcement would play a role, but it wouldn't be the only approach the EPA would use.

"I don't know what new tools will be brought to bear on the problem of achieving compliance," Henry told Bloomberg Environment after Grevatt's talk. "I fear it will be the heavier hand of enforcement, which could mean stiffer penalties."

Henry said the biggest challenge rural community drinking water systems in Idaho face is primarily financial. They don't have the money to upgrade their plants to meet the standards or conduct the required sampling or testing, she added.

Although the EPA's goal is a worthy one, "it isn't like the systems that are out of compliance are doing it on purpose," Henry said.

The Hill

<http://thehill.com/policy/energy-environment/378097-epa-to-review-all-claims-from-colorado-mine-spill-within-weeks>

EPA to finish reviewing claims from Colorado mine spill this month

By Timothy Cama, 3/13/18, 10:18 AM

The Environmental Protection Agency (EPA) will finish the process of reviewing hundreds of damage claims related to the 2015 Gold King Mine spill in Colorado by the end of the month.

EPA Administrator Scott Pruitt told The Denver Post about the timeline Monday, saying the agency will have reviewed about 400 claims from Colorado, Utah, New Mexico and the Navajo Nation.

The Obama administration rejected about 70 of those claims, arguing that the government's sovereign immunity means it cannot pay them, though the administration did pay millions of dollars to various parties injured by the spill. Pruitt promised early in his career to review the rejected claims.

"This agency, and more particularly the U.S. government, caused harm to citizens in Colorado, New Mexico and Utah and it had not taken steps to address that," Pruitt told the Post.

In his time at the EPA since early 2017, Pruitt has frequently brought up Gold King Mine in public appearances and interviews to illustrate his argument that the Obama administration failed at the job of protecting the environment.

The claims were filed by businesses, individuals, local governments and others who said they suffered various harms from the August 2015 spill, including lost business and canceled trips.

A team led by the EPA accidentally caused about 3 million gallons of toxic mine waste to spill out of an abandoned mine and into a tributary of the Animas River, turning it and downstream bodies orange temporarily.

The EPA under former President Barack Obama quickly took responsibility for the spill. Reviews have found that workers could have known that the mine waste would spill, but that they acted legally and reasonably nonetheless.

Furthermore, investigators concluded that the polluted river, which sees nearly constant leaks of mining waste, returned to its pre-spill quality days afterward.

Pruitt's review does not mean money will come out any time soon. EPA is working with the Justice Department on the reviews, and any payment above \$2,500 would have to come from a government-wide fund.

"It isn't something exclusively that we can do on our own," Pruitt told the Post. "We have a wide array of claims: recreation and business owners, those that were impacted from a vacation perspective, landowners, farmers and ranchers."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076189/search?keyword=EPA>

EPA details plans for scrutiny of Utah coal plants

By Sean Reilly, 3/13/18

U.S. EPA plans to offer a new regional haze plan for Utah after completing air quality modeling simulations this spring, agency lawyers said in a status report filed yesterday with the 10th U.S. Circuit Court of Appeals.

EPA agreed last July to administratively reconsider the 2016 Obama-era plan, which would have required new pollution controls on two coal-fired power plants in central Utah owned by PacifiCorp.

The 10th Circuit then stayed litigation brought by the state and the Oregon-based power producer, but ordered EPA to keep it posted every 90 days on the status of the reconsideration process (Greenwire, Sept. 11, 2017).

In yesterday's report, the agency said it is continuing discussions on added technical analyses that include "new air quality model simulations using a state-of-the-science model and methodologies."

Those simulations should be finished by May, according to the status report. Once the technical analyses have been "fully developed," the filing added, EPA will evaluate them and collect public input on a proposed rule.

EPA's regional haze program, dating back to 1999 in its current form, aims to restore pristine views to 156 national parks and wilderness areas — the bulk of them in the West — by 2064.

The new controls required under the 2016 plan would have cut emissions of nitrogen oxides from PacifiCorp's Hunter and Huntington plants by almost 10,000 tons annually, according to EPA projections at the time.

That forecast predicted the result would be better vistas at eight national parks — including the Grand Canyon in Arizona, Canyonlands in Utah and Colorado's Mesa Verde — along with the Flat Tops Wilderness Area, also in Colorado.

Under the Obama administration, the agency imposed the federal plan after partially rejecting a state alternative as inadequate. Bryce Bird, Utah's air quality chief, objected that the federal strategy would cost \$700 million but produce little in the way of improved visibility.

In agreeing to revisit the plan last summer, EPA chief Scott Pruitt said PacifiCorp and the state had furnished enough information on cost factors and other issues "to warrant reconsidering our prior action" (Greenwire, July 19, 2017).

Late last year, Pruitt also rejected the Sierra Club's administrative challenge to the state operating permit for the Hunter plant.

The environmental group is now contesting that decision — which also advanced a national change to the agency's interpretation of a key Clean Air Act provision — in lawsuits filed last month with both the 10th Circuit and the U.S. Court of Appeals for the District of Columbia Circuit (Greenwire, Feb. 7).

E&E Daily

<https://www.eenews.net/eedaily/stories/1060076135/search?keyword=EPA>

GAO report undermines chemical cuts in Trump budget

By Corbin Hiar, 3/13/18

A yearslong federal review of sustainable chemistry requested by Senate appropriators may complicate the Trump administration's bid to slash some U.S. EPA chemical safety programs.

Sustainable chemistry is an effort to use chemicals in a safer, more efficient and environmentally friendly fashion. And some lawmakers have been pushing the administration to do more in the field.

The Government Accountability Office's technical assessment, which began in October 2015 and wrapped up last month, didn't offer any specific recommendations to Sens. Chris Coons (D-Del.), Susan Collins (R-Maine) and Ed Markey (D-Mass.).

But many of the "potential solutions" floated by experts GAO interviewed for the 159-page report, released yesterday, fly in the face of budget cuts proposed by President Trump.

The solutions — which range from finding new chemical processes to sharing information about safe chemicals — sought to address technological and business challenges that experts from industry, academia and nonprofits said are slowing down progress.

Chief among the problems was "the lack of a standard definition for sustainable chemistry as well as the lack of agreement on standard ways of measuring or assessing it," GAO wrote.

"Without a standard definition that captures the full range of activities within sustainable chemistry, it is difficult to define the universe of relevant players," the report said.

"Without agreement on how to measure the sustainability of chemical processes and products, companies may be hesitant to invest in innovation they cannot effectively quantify, and end users are unable to make meaningful comparisons that allow them to select appropriate chemical products and processes."

Catalysts, products that prompt chemical reactions, have their own challenges, as well. While many existing catalysts produce harmful byproducts, creating alternative ones is also challenging because they may "require specialized equipment, greater energy input, or elevated pressure, and can be difficult to scale up for industrial use," said the report.

Deploying cleaner chemistries can be both good for business from a marketing standpoint, but also a risky proposition because of regulatory challenges and other issues, GAO found.

Solutions under threat

Finding solutions to those problems "requires that industry, government, and other stakeholders work together," experts told GAO.

Specifically, "there is a need for new processes that make more efficient use of the resources that are available, reuse products or their components during manufacturing, and account for impacts across the entire life cycle of chemical processes and products," the report said.

Experts in the field also highlighted "the importance of disseminating environmental and health-related information to help guide the choices of consumers, chemists, workers, downstream users, and investors to facilitate further progress," GAO wrote.

The administration is targeting two EPA programs that seek to implement those goals.

The National Center for Environmental Research, which EPA is planning to shut down, supports leading-edge research on human exposure to pollution and ways to minimize it (Greenwire, Feb. 27).

And Safer Choice, a labeling effort aimed at recognizing consumer products that use safer chemistry, is slated for elimination in the president's fiscal 2019 budget.

"Partners can continue the best practices that have been shared through this program and continue efforts aimed at reducing pollution," EPA said in a document justifying the zeroing out of its \$12.2 million Pollution Prevention program, which includes the Safer Choice effort.

Even before the GAO report release, public health advocates at the Environmental Defense Fund warned that cuts to EPA's chemical safety efforts "collectively pose dire threats to our health and that of our environment."

Lawmakers vow 'support'

Senators appear unlikely to go along with most of the administration's calls to shrink or eliminate sustainable chemistry programs at EPA.

Coons, ranking member on the Financial Services and General Government Appropriations Subcommittee, said in a statement yesterday that "the information laid out in this report will be useful to the chemical industry, to universities and other research institutions, and to policy makers."

The Delaware Democrat argued that it "underscores the importance of better federal coordination and support for sustainable chemistry."

Collins, who is also an Appropriations Committee member, and Markey also emphasized the importance of improving the field of sustainable chemistry.

"This report identifies a number of opportunities for the federal government to support sustainable chemical technologies and encourage the development of innovative, environmentally friendly and economically competitive chemicals, products and processes," Collins said.

"This report identifies a number of opportunities for the federal government to support sustainable chemical technologies and encourage the development of innovative, environmentally friendly, and economically competitive chemicals, products, and processes," Collins said.

EPA didn't immediately comment on its move to shutdown the Safer Choices program in light of the GAO report.

But a spokeswoman downplayed the impact of shutting down the environmental research center, describing it as simply a "reorganization."

"Management of research grants will continue," she said in an email.

BN

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664792&item=408&prod=deln&cat=AGENCY

Activists Plan Suit Over EPA Sulfur Dioxide Inaction in 11 States

By Alex Ebert, 3/13/18

Three national environmental groups are planning to sue the EPA for failure to approve air pollution cleanup plans for 11 states.

The Sierra Club, the Center for Environmental Health and the Center for Biological Diversity sent Environmental Protection Agency Administrator Scott Pruitt notice March 12 that they intend to sue the agency in 60 days unless it

approves or denies state plans to reduce sulfur dioxide pollution in 17 parts of Midwest and Florida, including cities like Detroit and Indianapolis. The notice is a legal requirement before the groups can sue under the Clean Air Act.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

The groups claim the EPA failed to act on plans submitted by Florida, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, West Virginia, and Wisconsin to limit sulfur dioxide emissions, which have been linked to asthma and other illnesses. Sulfur dioxide is emitted by the burning of fossil fuels.

Under the law, the agency has six months to approve or disprove of the plans, but has not acted. The groups also claim the EPA hasn't determined whether plans in Arizona and New Jersey are complete, as mandated by the law.

"The head of the EPA is failing to protect millions of Americans from a deadly pollutant that can steal the breath out of their lungs," Robert Ukeiley, a senior attorney at the Center for Biological Diversity, said in a March 12 statement.

The EPA didn't immediately respond to a request for comment.

EPA Administrator Scott Pruitt in 2017 established a policy that the agency will no longer settle court cases brought by advocacy groups seeking to force the agency to take overdue actions.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076209/search?keyword=EPA>

EPA rule for leather companies would cost \$705

By Sean Reilly, 3/13/18

A handful of leather finishing operations would face added reporting requirements and other revisions to the status quo under a proposed U.S. EPA rule that would, however, leave hazardous pollutant emission standards for the industry unchanged.

Although the proposed changes would not dent releases of such pollutants, they would "result in improved compliance and implementation," according to the draft rule set for publication in tomorrow's Federal Register.

The proposal, which would apply to just four companies in Massachusetts, Minnesota, New York and Maine, would have an expected one-time cost of \$705, which EPA attributes to costs incurred in reviewing the rule.

The proposed changes would be the first for the leather finishing industry since the initial standards were promulgated in 2002.

Under the Clean Air Act, EPA is supposed to conduct "risk and technology reviews" of its hazardous pollutant standards for dozens of industrial sources every eight years.

The reviews are supposed to determine both whether emissions control technology has since improved and whether any "residual risk" remains to public health that could be addressed by tighter standards.

Under that timetable, EPA should have revisited rules for the leather finishing industry by 2010; after environmental groups sued in 2016 to force EPA to conduct that review, along with a dozen others for various industries, U.S. District Judge Christopher Cooper ordered the agency last March to complete rulemakings for seven of those source categories

by the end of this year and the remaining six by June 2020. Cooper left it up to agency officials to decide how to "prioritize" those reviews (E&E News PM, March 23, 2017).

For the leather finishing industry, EPA concluded that the existing standards provide an ample margin of safety to protect public health and found no new cost-effective controls to further reduce emissions.

The proposed rule will carry a 45-day public comment period upon publication in the Federal Register, accompanied by a public hearing if requested.

Washington Examiner

<https://www.washingtonexaminer.com/so-long-to-sue-and-settle-at-the-epa>

So long to 'sue and settle' at the EPA (*Op-Ed)

By Ben Hurst, 3/13/18, 1:01 AM

"The days of regulation through litigation are over." So said EPA Administrator Scott Pruitt in October 2017.

His intentions were right, but the bitter aftertaste of "sue and settle" lingers on. In Missouri, we labor still under the yoke of such regulation.

In February 2016, a special interest group filed a lawsuit asking a federal court to order an all-too-willing EPA to promulgate new rules for nutrients in Missouri lakes. In December 2016, the EPA agreed to issue new rules by December 2017 — warp speed for a rulemaking concerning more than 2,482 reservoirs in three different ecoregions — and, as often happens in these cases, paid for the special interest group's attorneys' fees to boot. The court blessed the "settlement" and issued an order with the force of law.

So, a special interest group thinks Missouri needs nutrient criteria, and now it will get them, with free two-day shipping.

The problem is that, other than a half dozen activists in St. Louis and one judge in Jefferson City, none of Missouri's six million citizens ever had any say in the matter. Those remaining six million Missourians have real and substantial interests, both in their waterways and in the use of their other resources that are no less important than those of special interest groups in St. Louis.

None of those six million Missourians voted for any special interest groups in St. Louis or federal judges in Jefferson City. Further, none of those six million Missouri citizens was even permitted to argue before the judge on the merits of the interest group's claim. When three groups with substantial interests in the regulation of Missouri's waterways — municipalities, wastewater treatment plant operators, and public utilities — sought to intervene, the special interest group opposed the intervention, and the judge denied it.

Missouri has a democratically accountable process for the regulation of its waterways: The elected governor appoints, and the elected state senators confirm, citizen members of the Missouri Clean Water Commission, on which I serve. The commission — not the EPA — bears the primary responsibility for regulating Missouri's waterways.

Unlike the "sue and settle" litigators, the commission holds regular open meetings after public notice and takes both written and oral comments from all interested parties — including municipalities, wastewater treatment plant operators, public utilities, concerned citizens, and even special interest groups. The commission openly discusses matters in meetings broadcast live over the web and then votes in front of anyone who cares to watch. Missouri's own rulemaking process is a model of transparency.

The court's order implementing the Obama EPA's settlement with its friends states that the agreement binds only the interest group and the EPA. It could hardly do otherwise, since the commission was not served as a defendant and had

no say in the agreement settling the supposed dispute in question. Nonetheless, the agreement states that it does not apply if the commission introduces, and the EPA approves, nutrient criteria in advance of the deadline established in the settlement.

The commission labored to meet the deadline. Working with Missouri stakeholders, environmental scientists, and a dataset containing more than 67,000 records from more than 200 reservoirs, the commission developed and proposed nutrient criteria. The interest group submitted comments opposing the criteria. The commission considered the comments during a public hearing — as well as many others, including from the EPA — and unanimously adopted the proposed criteria.

But because the commission did not meet the deadline established in the settlement, the EPA, rather than reviewing the criteria already adopted by the commission, has proposed its own more stringent criteria. The EPA's criteria are based on a smaller set of data and literature, and will result in greater cost to Missourians with no associated environmental benefit.

Some will surely ask again: So what? The criteria are ultimately subject to EPA approval anyway; the litigation only changes the order of operation, not the final result.

In a world of unlimited resources, there would be no problem. If commission could develop nutrient criteria for lakes without putting other necessary regulation aside, there would be no harm to "sue-and-settle" litigation. But as the interest groups that practice it surely know, resources, including the commission's, are finite. Tradeoffs are unavoidable. Through their litigation, the interest group and the EPA forced the commission to spend months developing nutrient criteria that it could have spent rewriting Missouri's outdated rules, updating the data supporting its list of impaired waters, or reducing its backlog of permit applications.

Judges, with a single matter and only two parties before them, are poorly suited to regulate Missouri's waterways with the correct priorities. Unelected interest groups have no legitimate claim to do so. "Sue and settle" disenfranchises Missouri voters and empowers interest groups and bureaucrats. Good riddance.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076169/search?keyword=EPA>

Wis. asks EPA for break on ozone rules

3/13/18

Wisconsin officials are asking the Trump administration for a reprieve from ozone pollution standards ahead of the development of a Foxconn Technology Group manufacturing plant.

U.S. EPA previously ruled that southeast Wisconsin needs to significantly reduce smog pollution.

But the state Department of Natural Resources is asking the agency to declare the state in compliance with air pollution rules.

Barring that, the department wants the agency to at least declare a majority of the state in compliance, with the exception of a few narrow segments of land.

Department officials say most of the pollution blows into the state from Illinois and Indiana.

DNR Secretary Daniel Meyer also argued in a Feb. 28 letter to the agency that "EPA's intended designations threaten Wisconsin's economic engine and could result in severe and unnecessary economic consequences."

Republican Gov. Scott Walker has already fought back hard against the EPA ruling after securing the Foxconn contracts with promises of relaxing state environmental regulations (Greenwire, March 1; Lee Bergquist, Milwaukee Journal Sentinel, March 13). — MJ

AP

<https://apnews.com/b3ab1bad8e544b4c8f973089748db6e7/State-officials-want-a-break-on-tougher-ozone-rules>

State officials want a break on tougher ozone rules

3/13/18

MADISON, Wis. (AP) — State officials are asking the Trump administration to set aside a recent federal finding and conclude that Wisconsin is in compliance with newer and tougher ozone emission standards.

The request to the U.S. Environmental Protection Agency would weaken the impact of the standards on factories and other large sources of air pollution, including the Foxconn Technology Group's plan for a manufacturing complex in Racine County.

The Journal Sentinel reports the Department of Natural Resources argues air emission data shows Illinois and Indiana are primarily responsible to pollution that blows north along Lake Michigan and creates smog.

Short of concluding the whole state is in compliance, the DNR recommends federal officials declare narrow strips of land along the lake as violating the standards and declare the rest of the state is in compliance.

Politico

<https://www.politicopro.com/agriculture/whiteboard/2018/03/barrasso-debuts-catchall-bill-to-ease-regulatory-burden-on-farmers-ranchers-790148>

Barrasso debuts catchall bill to ease regulatory burden on farmers, ranchers

By Liz Crampton, 3/13/18, 2:28 PM

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) introduced a bill today that pulls together a handful of farm-related measures within the panel's jurisdiction and would preserve the exemption farmers receive from EPA reporting requirements for air emissions associated with animal waste.

The measure, known as the ACRE Act, includes eight bills "that would help defend agricultural industries from punishing federal rules and reporting requirements," Barrasso's office said in a statement.

One of the bills it incorporates is the Fair Agricultural Reporting Method Act, S. 2421 (115), which was sponsored by Sen. Deb Fischer (R-Neb.). Under Superfund law, specifically the Comprehensive Environmental Response, Compensation and Liability Act, there is now an exemption for air pollution caused by certain normal farm conditions, such as when manure is applied in field fertilization. The legislation would maintain the exemption, which EPA granted in 2008.

Barrasso's bill also would end overlapping environmental permitting for pesticide application requirements; protect the personal information of agricultural producers; and prevent farmers from being hit with penalties for engaging in "normal agricultural operations that could be considered 'baiting' of migratory game birds," according to the release.

"We need to make things simpler for the ranchers and farmers who feed and clothe the nation," Barrasso said in the statement.

The measure also incorporates the following bills: S. 1206 (115); S. 478 (115), the Hunter and Farmer Protection Act; S. 340 (115), the Sensible Environmental Protection Act; S. 1343 (113), the Farmer Identity Protection Act; H.R. 5961 (112), the Farmer's Privacy Act; S. 219 (115), the Safeguard Aquaculture Farmers Act; and S. 1207 (115), the Farmers Undertake Environmental Land Stewardship Act.

AP

<https://apnews.com/1101583724474313a1b02a4615fc2e42/Navy's-Red-Hill-analysis-concerns-environmental-regulators>

Navy's Red Hill analysis concerns environmental regulators

By Audrey McAvoy, 3/13/18

HONOLULU (AP) — A Navy analysis may underestimate the contamination potential of leaks from giant fuel tanks near Pearl Harbor, environmental regulators said.

The U.S. Environmental Protection Agency and the Hawaii Department of Health sent a letter to the Navy last month outlining their concerns about the Navy's work.

The Navy has 20 underground fuel storage tanks dating to World War II in the hills above Pearl Harbor. The tanks sit on an aquifer that supplies a quarter of the water consumed in urban Honolulu.

More than 27,000 gallons leaked from one of the tanks in 2014.

The Navy and regulatory agencies are working on a 20-year-plan to reduce the risk of leaks and fuel contamination from the tanks. The plan includes evaluating new tank designs and potentially storing the fuel someplace other than Red Hill.

The letter, posted on the EPA's website, said the Navy and its consultants appear to be prematurely drawing conclusions about a model predicting groundwater flow and the movement of contaminants. It said the Navy's approach may not lead to a "conservative evaluation."

They included another letter from a consultant saying the Navy's evaluation "seems to be skewed" toward concluding that millions of gallons of jet fuel could be released without damaging the groundwater.

The consultant said the Navy doesn't seem to be taking the risks posed by fuel leaks into account to the same degree.

Rear Adm. Brian Fort, commander of Navy Region Hawaii, said the Navy is committed to working with regulators to continue a thorough study of the underground water at Red Hill.

"We have not and will not rush to judgment or conclusions, and we will continue to keep the drinking water safe, no matter what," Fort said in an emailed statement. He said there's much more work to do in studying, analyzing and implementing the right initiatives.

The regulators' letter to the Navy said models for groundwater flow and contaminants should be "reliable tools" that support key decisions as the parties decide how to protect against further leaks. The letter said models that are "scientifically rigorous and able to withstand legitimate scrutiny" will help the parties make decisions.

Marti Townsend, director of the Sierra Club of Hawaii, said the letter indicates "the Navy is no closer to knowing what is really going on" four years after the last leak.

"The Navy cannot locate the leaked fuel or accurately assess the risk to our groundwater. Instead they are pre-cooking the models to produce their preferred outcome," Townsend said in an email.

She called on lawmakers to require the Navy to install double-walled tanks at Red Hill within five years. She said the fuel should be moved if the Navy can't fix them to meet current safety standards.

The House environment committee is scheduled to consider a bill on regulations for the Red Hill tanks at a hearing Tuesday morning.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664783&item=408&prod=deln&cat=AGENCY

Formaldehyde Deadline Moved Up as Industry, Activists Compromise

By Sylvia Carignan, 3/13/18

Imported wood products would have to comply with the EPA's formaldehyde emissions standards sooner in a compromise activists struck with the EPA and wood product industry associations.

The Sierra Club, the Environmental Protection Agency, and industry groups tentatively agreed March 9 to set a new June 1 compliance deadline for formaldehyde emissions, allowing less time than wood product industry associations wanted but more than environmental activists requested. A judge has yet to sign off on the agreement.

Since the compromise is an agreement among all of the parties, "we don't see any reason why the court would not accept it," Jeff Inks, senior vice president of advocacy at the Window & Door Manufacturers Association, told Bloomberg Environment. The association's board of directors includes representatives from Pella Corp., Andersen Corp., and Masonite International.

Initially, the agency's formaldehyde rule required companies to comply with emission standards by Dec. 2017. The EPA then extended the compliance deadline by one year, to Dec. 12, 2018. The emission standards apply to certain types of wood products—such as particleboard—that are sold or manufactured in the U.S.

Formaldehyde can cause skin and eye irritation and some types of cancer, depending on how much a person is exposed to, according to the EPA.

Immediate Compliance Called Unfair

Extending the compliance deadline by another year would violate the EPA's congressional mandate to require compliance within 180 days of the release of the standards, the Sierra Club argued in its case, filed in the U.S. District Court for the Northern District of California in 2017. The compromise changes the deadline to June 1.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

"We had to balance the fact that it's not fair with industry to comply immediately," Moneen Nasmith, an attorney for Earthjustice, told Bloomberg Environment. Nasmith is representing the plaintiffs, the Sierra Club and A Community Voice-Louisiana.

The industry groups involved in the case are American Home Furnishings Alliance, the National Association of Home Builders, the Window and Door Manufacturers Association, the Kitchen Cabinet Manufacturers Association, and the International Wood Products Association.

"A too-early compliance deadline would impose enormous burdens and financial losses across thousands of businesses potentially totaling many hundreds of millions of dollars," industry representatives argued March 5.

The 2010 Formaldehyde Act—which added a section to the Toxic Substances Control Act—is an effort to reduce formaldehyde emissions from composite wood products. The substance is a gas that is used to manufacture those products and can also be found in fertilizers, lacquers, medicines, and insulation.

EPA estimated that the formaldehyde regulations apply to about a million regulated entities.

AP

<https://apnews.com/387c21cfa1ea499e8c3c66c51f13d69d/EPA-to-test-possible-contamination-in-Bettendorf-site>

EPA to test possible contamination in Bettendorf site

3/13/18

BETTENDORF, Iowa (AP) — The Environmental Protection Agency is investigating possible hazardous chemical contamination in the eastern Iowa city of Bettendorf.

The federal agency will test the air, ground and groundwater during the week of March 19-23 in an 18-acre (7-hectare) area that was used for waste disposal before disposal was subject to government regulation.

The Quad-City Times reports that the land was leased from the 1950s into the 1970s for municipal dumping by the city of Riverdale and industrial disposal. An EPA assessment found that the landowner also operated an “oil and chip” business that stored waste oil in clay pits.

EPA official Ashley Murdie says they’re determining if there’s contamination and whether people and the environment are at risk. Murdie says the agency will then decide what removal action is needed, if any.